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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,766	07/10/2000	James L. Hepworth	23802-250800	8887

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EXAMINER

LY, ANH

ART UNIT PAPER NUMBER

2172

DATE MAILED: 12/08/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/612,766

Applicant(s)

HEPWORTH ET AL.

Examiner

Anh Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 17-20 have been added.

Response to Amendments

2. Applicant's amendments filed on 09/08/2003 with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.
3. Claims 1-20 are pending in this application.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-4, 6-9, 11-15, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,009,459 issued to Belfiore et al. (hereinafter Belfiore) in view of US Patent No. 6,631,357 issued to Perkowski.

With respect to claim 1, Belfiore discloses automatically creating a search string including the at least one trademark, tradename, celebrity name, and famous name based on the at least one trademark, tradename, celebrity name, and famous name entered by the user (the search string is automatically created when a user enters text that cannot interpreted a URL of a web page, that is, web browser automatically formats a search query using user-entered text and forward the query to an Internet search engines, which located web pages containing the query term or search string such as trademark or company name and return a list of search results; col. 3, lines 60-67, col. 4, lines 1-8; also see abstract);

receiving a URL address of Web page on the Internet to be searched (after the searching, the search engine locates the URL addresses of web pages on the Internet: col. 5, lines 40-50); accessing and searching contents of the Web page of the URL address received for matches in the contents of the web page corresponding to the search string wherein the searched contents includes elements other than only a domain name (the content of web page is located by search engine, and the content of web page is displayed, web page is typically encoded in HTML and most HTML document is identified by a tag or meta tag that gives the elements names and

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attributes, followed by a content, followed by an end tag. When the search string is found a matched web page is retrieved by a server and or a HTML document is returned, that is, the searched content is including text, URL, HTML: col. 5, lines 40-55);

and providing search results of identified matches corresponding to the search string in the contents of the Web page of URL address (the search results are displayed as the entered-text is matched based on the search string, that is, entered text or search string retrieved from a search engine from which search results or given web pages are obtained and displayed to the user; col. 5, lines 10-30).

Belfiore discloses automatically creating searching, receiving URL and accessing and providing search results. Belfiore does not explicitly teach entering, by a user, the at least one trademark, tradename, celebrity name, and famous name to be searched in the Web page on the Internet.

However, Perkowski discloses searching the registered product's trademark or servicemark, the user of the system enters the product's trademark or company name into the dialog box of the Internet browser or Internet application tool: col. 15, lines 5-14 and see figs. 3B, 4B, 5B and 6B).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Belfiore with the teachings of Perkowski so as to obtain a search string including at least one trademark or company name (Perkowski col. 15, lines 5-14). This combination would made the system for searching the URLs of web pages with search engine via user interface from which the user enters the text or search string including the trademark or company

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name in order to get the desired web pages of registered product's trademark or company name, and performing a search based on the determining of the entered text (Belfiore – col. 2, lines 35-67), and displaying the search results with the search terms being highlighted (Belfiore – col. 4, lines 8-60). .

With respect to claim 2, Belfiore discloses wherein the search results are broken down into a number and identity of identified matches within a category selected from the group consisting of a meta-tag, a hidden text, a text, a title, a hyperlink and an image text (HTML document or meta tag of HTML and hyperlinks: see fig. 9 and col. 7, lines 6-50).

With respect to claim 3, Belfiore discloses an encrypted connection authenticated by a certificate server (to secure for sending the message: server with a search engines generates a script that is executed when a hyperlink is selected; col. 36-50 and col. 8, lines 1-27).

With respect to claim 4, Belfiore discloses wherein the search results highlight the at least one trademark, tradename, celebrity name or famous name found in the web page (to secure for sending the message: server with a search engines generates a script that is executed when a hyperlink is selected; col. 36-50 and col. 8, lines 1-27).

Claim 6 is essentially the same as claim 1 except that it is directed to a system for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 1 hereinabove.

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Claim 7 is essentially the same as claim 2 except that it is directed to a system for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 2 hereinabove.

Claim 8 is essentially the same as claim 3 except that it is directed to a system for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 3 hereinabove.

Claim 9 is essentially the same as claim 4 except that it is directed to a system for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 4 hereinabove.

With respect to claim 11, Belfiore discloses a remote computer system connected to the computer system via the Internet for accessing the software program (server computer, client computer and web Browser: see fig. 3 and col. 4, lines 41-60).

Claim 12 is essentially the same as claim 1 except that it is directed to a software program for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 1 hereinabove.

Claim 13 is essentially the same as claim 2 except that it is directed to a software program for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 2 hereinabove.

Claim 14 is essentially the same as claim 3 except that it is directed to a software program for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 3 hereinabove.

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Claim 15 is essentially the same as claim 4 except that it is directed to a software program for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 4 hereinabove.

With respect to claim 17, Belfiore discloses wherein the search contents includes at least two of the following portions of the Web page: a domain name, a meta tag, hidden text, visible text, titles and images (HTML document or meta tag of HTML and hyperlinks: see fig. 9 and col. 7, lines 6-50).

With respect to claim 19, Belfiore discloses wherein the search contents includes at least two of the following portions of the Web page: a domain name, a meta tag, hidden text, visible text, titles and images (HTML document or meta tag of HTML and hyperlinks: see fig. 9 and col. 7, lines 6-50).

7. Claims 5, 10, 16, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,009,459 issued to Belfiore et al. (hereinafter Belfiore) in view of US Patent No. 6,631,357 issued to Perkowski, and further in view of US Patent No. 6,422,523 issued to Siegel.

With respect to claim 5, Belfiore discloses Belfiore discloses automatically creating a search string including the at least one trademark, tradename, celebrity name, and famous name based on the at least one trademark, tradename, celebrity name, and famous name entered by the user (the search string is automatically created when a user enters text that cannot interpreted a URL of a web page, that is, web

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browser automatically formats a search query using user-entered text and forward the query to an Internet search engines, which located web pages containing the query term or search string such as trademark or company name and return a list of search results; col. 3, lines 60-67, col. 4, lines 1-8; also see abstract);

receiving a URL address of Web page on the Internet to be searched (after the searching, the search engine locates the URL addresses of web pages on the Internet: col. 5, lines 40-50); accessing and searching contents of the Web page of the URL address received for matches in the contents of the web page corresponding to the search string wherein the searched contents includes elements other than only a domain name (the content of web page is located by search engine, and the content of web page is displayed, web page is typically encoded in HTML and most HTML document is identified by a tag or meta tag that gives the elements names and attributes, followed by a content, followed by an end tag. When the search string is found a matched web page is retrieved by a server and or a HTML document is returned, that is, the searched content is including text, URL, HTML: col. 5, lines 40-55);

and providing search results of identified matches corresponding to the search string in the contents of the Web page of URL address (the search results are displayed as the entered-text is matched based on the search string, that is, entered text or search string retrieved from a search engine from which search results or given web pages are obtained and displayed to the user; col. 5, lines 10-30).

Belfiore discloses automatically creating searching, receiving URL and accessing and providing search results. Belfiore does not explicitly teach entering, by a user, the at

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least one trademark, tradename, celebrity name, and famous name to be searched in the Web page on the Internet. Perkowski discloses searching the registered product's trademark or servicemark, the user of the system enters the product's trademark or company name into the dialog box of the Internet browser or Internet application tool: col. 15, lines 5-14 and see figs. 3B, 4B, 5B and 6B). In combination, Belfiore and Perkowski do not detach automatically creating homonyms and phonetic equivalents of the at least one trademark, tradename, celebrity name, and famous name entered by the user.

However, Siegel discloses talking database and dictionary database including a plurality of words and distribution of the sounds of them (col. 11, lines 38-67 and col. 12, lines 1-9 and lines 47-50; also see col. 7, lines 58-62).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Belfiore with the teachings of Siegel so as to obtain automatically creating the homonyms and phonetic/phonemic of the words (Siegel - col. 12, lines 47-50). This combination would made the system for searching the URLs of web pages with search engine via user interface from which the user enters the text or search string, performing a search based on the determining of the entered text (Belfiore – col. 2, lines 35-67), and displaying the search results with the search terms being highlighted (Belfiore – col. 4, lines 8-60).

Claim 10 is essentially the same as claim 5 except that it is directed to a system for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 5 hereinabove.

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Claim 16 is essentially the same as claim 5 except that it is directed to a software program for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 5 hereinabove.

With respect to claim 18, Belfiore discloses wherein the search contents includes at least two of the following portions of the Web page: a domain name, a meta tag, hidden text, visible text, titles and images (HTML document or meta tag of HTML and hyperlinks: see fig. 9 and col. 7, lines 6-50).

With respect to claim 20, Belfiore discloses wherein the search contents includes at least two of the following portions of the Web page: a domain name, a meta tag, hidden text, visible text, titles and images (HTML document or meta tag of HTML and hyperlinks: see fig. 9 and col. 7, lines 6-50).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,338,082 issued to Schneider

US Patent No. 6,282,549 issued to Hoffert et al.

US Patent NO. 6,654,751 issued to Schmugar et al.

US Patent No. 6,629,092 issued to Berke

Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is 703 306-4527 or via E-Mail: ANH.LY@USPTO.GOV. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703 746-7239.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, D.C. 20231

or faxed to: Central Office (703) 872-9306 (effective from 08/04/2003)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-6606 or 703 305-3900.

AL
Nov. 18th, 2003


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100